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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------|------------------------|
| 10/621,637 | 07/17/2003 | Yonsheng Shen | 011361.00065 | 2587 |
| 22910 7590 11/05/2010 BANNER & WITCOFF, LTD. 28 STATE STREET SUITE 1800 BOSTON, MA 02109-1701 | | | EXAMINER OLSEN, KAJ K | |
| | | | ART UNIT 1724 | PAPER NUMBER |
| | | | MAIL DATE 11/05/2010 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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|-----------------|-------------|----------------------|---------------------|------------------|
| 90/006,209 | 01/29/2002 | 5650054 | 101204-00004 | 4200 |

28316 7590 11/05/2010

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EXAMINER

ART UNIT

PAPER NUMBER

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(For Patent Owner) **MAILED**

NOV 05 2010

CENTRAL REEXAMINATION UNIT

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Washington D.C. 20005

(For Third Party Requester)

In re Reissue Application of
Yonsheng Chen, *et al.*
Application No.: 10/621,637
Filed: July 17, 2003
For: U.S. Patent No. 5,650,054

:
: SUPPLEMENT TO
: PRIOR DECISION
: TO MERGE
: REISSUE AND
: REEXAMINATION
: PROCEEDINGS

In re Yonsheng Chen *et al.*
Reexamination Proceeding
Control No.: 90/006,209
Filed: January 29, 2002
For: U.S. Patent No.: 5,650,054

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This decision is supplemental to the Office's prior merger decision mailed March 14, 2008, which *sua sponte* merged reissue application No. 10/621,637 and reexamination control No. 90/006,209 into a single proceeding.

The above-identified prior merger decision continues to be in effect, and all further examination in the merged proceeding should continue to be conducted in accordance with the above-identified prior merger decision, except as it is supplemented by this decision – as follows:

If a request for continued examination (RCE) is filed under 37 CFR 1.114, as is permitted for the reissue application, then the merged proceeding will be automatically severed, and the reissue application may then be suspended. Patent owner is put on notice that, in such event, a request for continued examination (RCE) is not available in the reexamination proceeding, and any response to the outstanding Office action (e.g.,

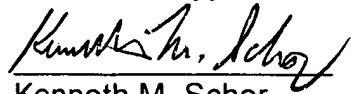
response to a final rejection) at that stage in the reexamination proceeding must be made taking into account the non-availability of RCE practice. Any failure to timely respond would result in the termination of the prosecution pursuant to 37 CFR 1.550(d).

In addition, if a final Office action should be issued subsequent to the mail date of this decision in this merged proceeding, any request for extension for time (to respond to any such subsequent final action) must be filed under 37 CFR 1.136(b) where an extension is permitted by rule. No extension of time will be permitted under 37 CFR 1.136(a) after any final Office action issued in the present merged proceeding subsequent to the mail date of this decision.

The merged proceeding will otherwise continue as per the above-identified prior merger decision.

CONCLUSION

1. Reissue application No. 10/621,637 and reexamination control No. 90/006,209 remain merged as a single proceeding.
2. If a request for continued examination (RCE) is filed under 37 CFR 1.114, the merged proceeding will be automatically severed. Patent owner is put on notice that, in such event, a request for continued examination (RCE) is not available in the reexamination proceeding, and any response to the outstanding Office action (e.g., response to a final rejection) at that stage in the reexamination proceeding must be made taking into account the non-availability of RCE practice. Any failure to timely respond would result in the termination of the prosecution pursuant to per 37 CFR 1.550(d).
3. In addition, if a final Office action should be issued in this merged proceeding subsequent to the mail date of this decision, then any request for extension for time (to respond to any such subsequent action) must be filed under 37 CFR 1.136(b) where an extension is permitted by rule. No extension of time will be permitted under 37 CFR 1.136(a) after any final Office action issued subsequent to the mail date of this decision.
4. All further examination in the merged proceeding is to continue to be conducted in accordance with the above-identified prior merger decision.
5. Telephone inquiries related to this decision should be directed to Colleen Dunn at (571) 272-1170, or in her absence to Eric Keasel at (571) 272-4929 or to Mark Reinhart at (571) 272-1611.

A handwritten signature in black ink, appearing to read "Kenneth M. Schor", written over a horizontal line.

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

11/04/10